IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

Bail Appl..No. 6636 of 2007()

CRIME NO. 294/07 OF NALLALAM POLICE STATION
CMP.4542/2007 of ENQUIRY COMR.& SPL.JUDGE,KZD.

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PETITIONERS/ACCUSED

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1. MUSTAFFA S/O.MUHAMMED, KOLAPPETH VEEDE, POOLENKARA, OLAVANNA, KOZHIKODE.

2. RABIYA, W/O.ABDUL LATHEEF, KOLAPPETH VEEDE, POOLENKARA, OLAVANNA, KOZHIKODE.

3. AMINA, D/O.MUHAMMED, KOLAPPETH VEEDU, POOLENKARA, OLAVANNA, KOZHIKODE.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT AND STATE

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1. THE S.I OF POLICE, NALLALAM POLICE STATION.

2. STATE REP; BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6636 of 2007

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Dated this the 16th day of November, 2007

O R D E R

Petitioners are accused 2 to 4 in Crime No. 294 od 2007 of Nallalam Police Station. Petitioners 2 and 3 (Accused 3 and 4) have already been granted bail as per interim order dt. 2.11.2007. The first petitioner/A2 was arrested in Crime 294 of 2007 consequent to seizure of articles under Section 102 Cr.P.C. The learned Prosecutor submits that the State has no objection in the petitioner/A2 being enlarged on bail in Crime No.294 of 2007.

2. The learned Prosecutor further submits that on the basis of the articles recovered in Crime No.294 of 2007, the petitioner/ A2 has subsequently been arrayed as accused in Crime No.288 of 2007 of Koduvally Police Station. The learned Prosecutor submits that arrest of the petitioner in Crime 288 of 2007 has already been recorded and the State has no objection in the

petitioner being enlarged on bail in that crime also. He further submits that appropriate conditions may be imposed. Enquiry is being conducted into the source of the articles recovered in Crime No.294 of 2007. The possibility of the petitioner being arrayed in other crimes cannot be excluded. Therefore presence of the petitioner may be ensured for some period of time, submits the Prosecutor.

3. I am satisfied that the petitioner/A2 can be enlarged on bail. In the absence of opposition, it is not necessary for me to advert to facts in any greater detail.

4. In the result:

1) This application is allowed.

2) The petitioner/A2 shall be released on bail in Crime No.294 of 2007 of Nallalam police station and in Crime No.288 of 2007 of Koduvally police station on the following terms and conditions.

(a) The petitioner shall, in each case, execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation

before the Investigating Officer in Crime No. 288 of 2007 between 10 a.m. and 12 noon on all Mondays and Fridays for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

5. Hand over two copies of the order to the learned counsel for the petitioner for production before the concerned Magistrates.

(R. BASANT)
Judge

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R. BASANT, J.

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B.A.No. 6636 of 2007

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Dated this the 2nd day of November, 2007

O R D E R

Application for regular bail. The petitioners are accused 2 to 4 in Crime No. 294 of 2007 of Nallalam Police Station, which was initially registered under Section 102 Cr.P.C. It is the case of the prosecution that on receipt of discreet information, when the police party reached the house, in which accused 1 to 4 were alleged to be present under suspicious circumstances, the first accused took to his heels and could not be apprehended. Accused 2 to 4 were available and they were taken into custody.

2. 336 grams of gold ornaments, an amount of Rs.1,24,400/- and 8 wrist watches were also available in the house. On the reasonable suspicion that the petitioners were indulging in commission of offences, all the three were taken into custody. The articles were seized and a crime was registered.

3. The investigation revealed that 40 grams, out of the 336 grams of gold, were subject matter of theft in another crime of another police station, i.e. Crime No.288 of 2007 of Koduvally Police Station. On receipt of that information, allegation under Sections 457 and 380 I.P.C. have been included in the earlier crime registered under Section 102 Cr.P.C. The very allegation now is only that the first accused, who ran away, and the second accused i.e. the first petitioner herein, are responsible for the commission of the said Crime No.288 of 2007.

4. The learned Prosecutor prays for some time to get further details and make submissions about the prayer for regular bail of the first petitioner, i.e. A2. Time is granted. Call this petition again on 7.11.2007.

5. But in so far as accused 3 and 4 are concerned, (both women) the learned Prosecutor submits that the police have no objection against the grant of regular bail for those petitioners as the allegations against them now is only that they were found present along with accused 1 and 2 in the house, where the stolen articles were found available. Subject to appropriate conditions, the petitioners 2 and 3

(A3 and 4) can now be released on bail. In these circumstances, there shall be a direction and it is hereby directed that petitioners 2 and 3 shall be released on bail on the following terms and conditions.

(a) The said petitioners shall execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) They shall make themselves available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(c) During the said period of two months, the petitioners shall not leave the Sessions Division of Kozhikode, without the prior permission of the learned Magistrate.

(R. BASANT)

Judge

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